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13DV-14003

**REMARKS**

Claims 1-4, 20-25, 27-30, 32, 33 are pending in this application. Claims 5-19, 26, 31, have been canceled. All claims stand rejected.

In the Office Action dated 10/18/2006, made Final, Claims 1, 3, 4, 23, 26, 27 and 31-33 were rejected under 35 U.S.C. §102(e) as being anticipated by Przytulski et. al (US 2002/0166317A1) and Claims 2, 20-22, 24, 25, 28, 29 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Przytulski et. al (US 2002/0166317A1) in view of Marchand (4,345,527).

The applied reference, Przytulski et. al (US 2002/0166317A1), has a common inventor (Charles Robert Granitz) with the instant application. The Examiner has acknowledged that the rejection under 35 U.S.C. §102(e) might be overcome by a showing under 37 CFR §1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention by "another". The Examiner's early indication of acceptable response in this matter is greatly appreciated.

**Rejections Under 35 U.S.C. § 102(e)**

In the Office Action dated 10/18/2006, Claims 1, 3, 4, 23, 26, 27 and 31-33 were rejected under 35 U.S.C. §102(e) as being anticipated by the U.S. Patent Application by Przytulski et. al (US 2002/0166317A1, "Przytulski Reference"). Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. In response to the Office Action, Applicants affirm that Charles Robert Granitz, the common inventor named in the Przytulski Reference, contributed any invention claimed in the present application (09/998,432) and also disclosed but not claimed in the Przytulski Reference. The Applicants are submitting herewith an affidavit of Mr. Charles Robert Granitz, the common inventor named in the Przytulski Reference, under 37 C.F.R. §1.132 declaring that any invention claimed in the present application (09/998,432) and also disclosed but not claimed in the in the Przytulski

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Reference was made by the inventor of this application and is thus not the invention by "another".

Applicants respectfully request that the Examiner consider this as a *bona fide* response or attempt to respond to the Office action. Thus, it is respectfully requested that the rejections of claims 1, 3, 4, 23, 26, 27 and 31-33 under 35 U.S.C. §102(e) be withdrawn and claims allowed.

**Rejections under 35 U.S.C. § 103(a)**

In the Office Action dated 10/18/2006, Claims 2, 20-22, 24, 25, 28, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Przytulski et. al (US 2002/0166317A1, "Przytulski Reference") in view of Marchand (4,345,527).

Applicants note that the Przytulski Reference was filed on April 30, 2001, and was published on November 14, 2002. The present application (09/998,432) was filed on November 29, 2001. Thus, the Przytulski Reference could only possibly qualify as prior art under 35 U.S.C. §102(e).

At all times the Przytulski Reference and the present application were either assigned to or under an obligation of assignment to General Electric Company. Attached please find copies of the "Patent Assignment Abstract of Title" for the Przytulski Reference and the present application. These documents show that at the time of filing of the present application, both the Przytulski Reference and the present application were assigned to the same assignee. Accordingly, the Przytulski Reference cannot preclude patentability of the present invention per 35 USC §103(c) which states:

***35 U.S.C. 103(c) (1): Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title [35 U.S.C. §102], shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.***

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Applicants respectfully request that the Examiner consider this as a bona fide response or attempt to respond to the Office action. Thus, it is respectfully requested that the rejections of Claims 2, 20-22, 24, 25, 28, 29 and 30 under 35 U.S.C. §103(a) be withdrawn and claims allowed.

Conclusion

In view of the remarks and legal standards set forth above and the affidavits attached herewith, Applicants respectfully request allowance of all the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner may kindly contact the undersigned at the telephone number listed below.

Date: 3-26-07

Respectfully submitted,



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## Patent Assignment Abstract of Title

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### Total Assignments: 1

Patent #: NONE Issue Dt: Application #: 09998432 Filing Dt: 11/29/2001

Publication #: US20030097872 Pub Dt: 05/29/2003

Inventors: Charles Robert Granitz, Mark Eden Zentgraf

Title: System for reducing oil consumption in gas turbine engines

### Assignment: 1

Reel/Frame: 012342/0492 Recorded: 11/29/2001 Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: GRANITZ, CHARLES ROBERT  
ZENTGRAF, MARK EDEN

Exec Dt: 11/27/2001

Exec Dt: 11/27/2001

Assignee: GENERAL ELECTRIC COMPANY

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## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.**

### Total Assignments: 1

Patent #: 6470666 Issue Dt: 10/29/2002 Application #: 09845447 Filing Dt: 04/30/2001

Publication #: US20020166317 Pub Dt: 11/14/2002

Inventors: James Charles Przytulski, Charles Robert Granitz, Frederic Gardner Haaser et al

Title: METHODS AND SYSTEMS FOR PREVENTING GAS TURBINE ENGINE LUBE OIL LEAKAGE

### Assignment: 1

Reel/Frame: 011766/0482

Recorded: 04/30/2001

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: PRZYTULSKI, JAMES CHARLES

GRANITZ, CHARLES ROBERT

HAASER, FREDERIC GARDNER

KHERA, AWATAR SINGH

Exec Dt: 04/27/2001

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